

Senate Bill 402

By: Senators Tolleson of the 20th, Bulloch of the 11th and Hooks of the 14th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 12-6A-2 of the Official Code of Georgia Annotated, relating to definitions relative to land conservation programs and projects, so as to redefine certain terms; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 12-6A-2 of the Official Code of Georgia Annotated, relating to definitions relative to land conservation programs and projects, is amended by revising paragraphs (5), (9.1), and (10) as follows:

"(5) 'Conservation land' means permanently protected land and water, or interests therein, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following ~~goals~~ conservation purposes:

(A) Water quality protection for rivers, streams, and lakes;

(B) Flood protection;

(C) Wetlands protection;

(D) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;

(E) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;

(F) Protection of prime agricultural and forestry lands;

(G) Protection of cultural sites, heritage corridors, and archeological and historic resources;

(H) Scenic protection;

(I) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities; and

(J) Connection of existing or planned areas contributing to the goals set out in this paragraph."

"(9.1) 'Nongovernmental entity' means a nonprofit organization the primary purposes of which are the permanent protection and conservation of land and natural resources, as evidenced by the organizational documents."

"(10) 'Permanently protected land and water' means those resources:

(A) Owned by the federal government and designated for recreation, conservation, or natural resource;

(B) Owned by the State of Georgia and dedicated as a heritage preserve;

(C) Owned by a state or local unit of government or authority and subject to:

(i) A conservation easement that ensures that the land will be maintained ~~as conservation land~~ for conservation purposes;

(ii) Contractual arrangements that ensure that, if the protected status is discontinued on a parcel, such property will be replaced by other conservation land which at the time of such replacement is of equal or greater monetary and resource protection value;

(iii) A restrictive covenant in favor of a federal governmental entity; or

(iv) A permanent restrictive covenant as provided in subsection (c) of Code Section 44-5-60;

(D) Owned by any person or not for profit or for profit entity, subject to a conservation easement that ensures that the land will be maintained ~~as conservation land~~ for conservation purposes; or

(E) ~~Permanently legally protected by any other method that ensures the conservation land will remain forever in uses which further the goals of this chapter~~ Acquired with funds from the revolving loan fund, owned by a nongovernmental entity, and subject to a contractual agreement that ensures that the land will not be disposed of except for conservation purposes during the period that the loan is outstanding."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.